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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,923	10/28/2003	Takayuki Sasaoka	LEPA121822	7029

26389 7590 06/19/2006

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EXAMINER

ALUNKAL, THOMAS D

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/695,923

### Applicant(s)

SASAOKA ET AL.

### Examiner

Thomas D. Alunkal

### Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/23/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

Applicant is advised that should **claims 3-5** be found allowable, **claims 6-8**, respectively, will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-8** rejected under 35 U.S.C. 102(b) as being anticipated by Yanagidate (U.S. 5,220,549).

Regarding claims 1-8, Yanagidate teaches:

An optical pickup unit, comprising:

- at least one light source (**see Column 2, lines 44-46**)
- an optical device for focusing light emitted from a corresponding light source on an information recording medium (**see Column 2, lines 44-45**)
- one or more drive devices for driving the optical device to vary position of the optical device relative to the information recording medium (**see Column 2, lines 46-48**)

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- a detector for detecting light reflected from the information recording medium  
(**see Column 2, lines 48-49**)
- a memory device for storing optical pickup information of the optical pickup unit therein (**see Column 1, lines 54-55 and Column 3, lines 55-61**)
- wherein the optical pickup information includes at least one of light emission characteristics of the light source, driving characteristics of the drive devices, production management information of the optical pickup unit, driving characteristics of the drive devices containing characteristics of a reproduction-only information recording medium, and driving characteristics of the drive devices containing characteristics of a recordable information recording medium (**see Column 5, lines 24-29, Column 6, lines 5-9 and lines 16-19**)

An information recording and reproducing apparatus for performing at least one of functions of reproducing information recorded on an information recording medium and recording information thereon, comprising (**see Column 1, lines 33-35**):

- the optical pickup of Claim 2 (**see Column 5, lines 24-29, Column 6, lines 5-9 and lines 16-19**)
- one or more detecting units for detecting optical pickup information of the optical pickup unit (**see Figure 5, Element 21**)
- at least one of a writing unit and an information reading unit, the writing unit writing the optical pickup information detected by the detecting units in the memory device installed in the optical pickup unit, and the information reading

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unit reading the optical pickup information written in the memory device

installed in the optical pickup unit (**see Claim 2 and Column 1, lines 59-60**)

- at least one signal processing unit for executing predetermined processing for signals input/output to/from the optical pickup unit (**see Figure 1, Element 13, Column 4, lines 10-23 and Column 3, lines 21-29**)
- one or more adjusting units for adjusting parameters for the processing executed by the signal processing unit on the basis of the optical pickup information read by the information reading unit (**see Column 3, lines 61-68, Column 4, lines 1-2**)
- one or more drive control units for controlling the drive devices on the basis of a detection signal of the detector installed in the optical pickup unit as one processing (**see Figure 1, Elements 10,13-14**)
- an intensity adjusting unit for adjusting intensity of light emitted from the light source installed in the optical pickup unit as another processing (**see Column 5, lines 24-49**)
- wherein the optical pickup information includes at least one of light emission characteristics of the light source, driving characteristics of the drive devices, production management information of the optical pickup unit, driving characteristics of the drive devices containing characteristics of a reproduction-only information recording medium, and driving characteristics of the drive devices containing characteristics of a recordable information

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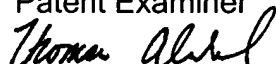
recording medium (see **Column 5, lines 24-29, Column 6, lines 5-9 and lines 16-19**)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571)272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Alunkal  
Patent Examiner



Shanon Foley  
Supervisory Patent Examiner